

South Dakota Public Utilities Commission Meeting
Tuesday, June 5, 2007, at 9:30 A.M.
State Capitol Building, Room 412
Pierre, South Dakota

NOTE: *If you wish to join this meeting by conference call, please contact the Commission at 605-773-3201 by 5:00 p.m. on June 4, 2007. Lines are limited and are given out on first come/first serve basis, subject to possible reassignment to accommodate persons who must appear in a proceeding. Ultimately, if you wish to participate in the Commission Meeting and a line is not available you may have to appear in person.*

NOTE: *To listen to the Commission Meeting live please go to the PUC's website www.puc.sd.gov and click on the LIVE button on the home page. The Commission requests that persons who will only be listening to proceedings and not actively appearing in a case listen via the webcast to free phone lines for those who have to appear. The Commission meetings are archived on the PUC's website under the Commission Actions tab and then click on the LISTEN button on the page.*

NOTE: *Notice is further given to persons with disabilities that this Commission meeting is being held in a physically accessible place. If you have special needs, please notify the Commission and we will make all necessary arrangements.*

ADDENDUM TO THE AGENDA OF COMMISSION MEETING

Consumer Complaints

1. CE07-002 In the Matter of the Complaint filed by Erica Voss, Mitchell South Dakota, against NorthWestern Energy Regarding Utility Service Refusal. (Staff Analyst: Deb Gregg, Staff Attorney: Kara Van Bockern)

Complaint by Erica Voss against NorthWestern Energy regarding NorthWestern's refusal to provide utility service at 717 South Sanborn in Mitchell, SD. A Stipulation for Dismissal was filed on May 29, 2007.

TODAY, shall the Commission Dismiss the Complaint and Close the Docket?

Telecommunications

1. TC06-175 In the Matter of the Petition of Sprint Communications Company L.P. for Arbitration pursuant to the Telecommunications Act of 1996 to Resolve Issues Relating to an Interconnection Agreement with Interstate Telecommunications Cooperative, Inc. (Staff Analyst: Harlan Best, Staff Attorney: Kara Van Bockern)

On October 16, 2006, Sprint Communications Company L.P. (Sprint) filed a petition to arbitrate, pursuant to SDCL 49-31-81 and ARSD 20:10:32:29-32, and Section 252(b) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996), certain terms and conditions of a proposed Interconnection Agreement between Sprint and Interstate

Telecommunications Cooperative, Inc. (ITC). Sprint filed a list of unresolved issues consisting of: (1) Should the definition of End User in this Agreement include end users of a service provider for which Sprint provides interconnection, telecommunications services or other telephone exchange services? (2) Should the Interconnection Agreement permit the parties to combine wireless and wireline traffic on interconnection trunks? (3) Should the Interconnection Agreement permit the parties to combine all traffic subject to reciprocal compensation charges and traffic subject to access charges onto interconnection trunks? (4) Should the Interconnection Agreement contain provisions for indirect interconnection consistent with Section 251(a) of the Act? (5) In an indirect interconnection scenario, is the ILEC responsible for any facility or transit charges related to delivering its originating traffic to Sprint outside of its exchange boundaries? (6) What direct interconnection terms should be contained in the Interconnection Agreement? (7) What are the appropriate rates for direct interconnection facilities? (8) When a two-way interconnection facility is used, should Sprint and Interstate share the cost of the interconnection facility between their networks based on their respective percentages of originated traffic? (9) What is the appropriate reciprocal compensation rate for the termination of telecommunications traffic, as defined by Sprint in the Agreement? (10) Should Sprint's proposed language regarding Local Number Portability be adopted and incorporated into the Interconnection Agreement? (11) Should the Interstate-proposed Directory Listing provisions, as modified by Sprint, be adopted and incorporated into the Interconnection Agreement? Sprint respectfully requests the Commission to arbitrate each of the remaining disputes between Sprint and Interstate, to find in Sprint's favor and to adopt Sprint's proposed contract language. On November 3, 2006, The South Dakota Telecommunications Association (SDTA) filed a Petition to Intervene. Intervention was denied to SDTA at the December 6, 2006, Commission Meeting. On January 9, 2007, ITC filed a Motion to Compel Discovery. Specific relief requested by ITC consisted of: 1) The Commission is requested to order Sprint to fully respond to Interrogatory No. 7 by identifying the agreement or agreements that exist between Sprint and MCC; 2) The Commission is requested to order Sprint to provide all agreements requested in Document Request No. 2; 3) The Commission is requested to order Sprint to provide all agreements requested in Document Request No. 3; 4) The Commission is requested to order Sprint to provide the information requested in Interrogatory No. 14; 5) The Commission is requested to order Sprint to provide the information requested in Interrogatory No. 15; 6) The Commission is requested to order Sprint to provide the information requested in Interrogatory No. 16 or, in the alternative, find now that Sprint is not acting as a common carrier and is not entitled to interconnection to ITC for a third party's (MCC) end users customers and that MCC must seek interconnection directly with ITC; 7) The Commission is requested to order Sprint to provide the information requested in Interrogatories 17 and 18 or, in the alternative, enter an order finding that Sprint is not acting as a common carrier and is not entitled to interconnection to ITC for a third party's (MCC) end users and that MCC must seek interconnection directly with ITC for MCC's customers; 8) Sprint should be ordered to provide the diagram that ITC requested in Interrogatory 20; 9) Sprint should be ordered to provide the documents requested showing the networks requested in Document Request No. 5; 10) Sprint should be ordered to respond to Request for Admission No. 3; and 11) Sprint should be ordered to provide all of the requested documents that Sprint has in Sprint's possession. At its January 16, 2007, meeting the Commission granted a motion to compel in part. On January 26, 2007, SDTA filed a Petition for Reconsideration and Clarification. On April 17, 2007, the Parties filed a Stipulation and Agreement to Delay the Hearing. On May 31, 2007, the Parties filed a Joint Motion for Delay.

TODAY, shall the Commission Grant the Joint Motion for Delay?

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May 31, 2007